



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 4 मई, 2013 / 14 वैशाख, 1935

हिमाचल प्रदेश सरकार

TRANSPORT DEPARTMENT

NOTIFICATION

Shimla-2 the 3rd May, 2013

No.—TPT-E(3)-27/2013.—The Governor of Himachal Pradesh, in exercise of the powers vested in her, under Section-68 of Motor Vehicles Act, 1988(Act No-59 of 1988) and all other powers enabling her in this behalf is pleased to constitute the Regional Transport Authority, Mandi with immediate effect.

MANDI REGION**OFFICIAL MEMBERS :**

- | | |
|--|------------------|
| 1. Divisional Commissioner, Mandi,
Distt. Mandi Himachal Pradesh. | Chairman |
| 2. Deputy Commissioner Bilaspur | Member |
| 3. Secretary STA-Cum-Additional,
Commissioner, Transport. | Member |
| 4. Regional Transport Officer, Bilaspur | Member-Secretary |

By order,
Sd/-

Additional Chief Secretary (Transport) .

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-2, 02 अप्रैल, 2013

संख्या: टी0सी0पी0-(ए)3-1/95 (पार्ट)-I.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश नगर एवं ग्राम योजना विभाग में, योजना अधिकारी, वर्ग-I (राजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध-‘क’ के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश नगर एवं ग्राम योजना विभाग, योजना अधिकारी, वर्ग-I (राजपत्रित) भर्ती और प्रोन्नति नियम, 2013 है ।

(ii) ये नियम राजपत्र/ई गजट हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे ।

2. निरसन और व्यावृत्तियां.—(i) इस विभाग की अधिसूचना सं0: टी.सी.पी.-ए (3)-1/95 तारीख 30-5-1998 द्वारा अधिसूचित हिमाचल प्रदेश, नगर एवं ग्राम योजना विभाग, योजना अधिकारी, (वर्ग-II, राजपत्रित) भर्ती और प्रोन्नति नियम, 1998 का एतद् द्वारा निरसन किया जाता है ।

(ii) ऐसे निरसन के होते हुए भी उपर्युक्त उप-नियम (I) के अधीन इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कार्रवाई, इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी ।

आदेश द्वारा,
हस्ताक्षरित /—
अतिरिक्त मुख्य सचिव (नगर एवं ग्राम योजना) ।

हिमाचल प्रदेश, नगर एवं ग्राम योजना विभाग में योजना अधिकारी, वर्ग—I (राजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. पद का नाम : योजना अधिकारी
2. पद (पदों) की संख्या : 19 (उन्नीस)
3. वर्गीकरण : वर्ग—I (राजपत्रित)
4. वेतनमान : (i) नियमित पदधारियों के लिए वेतनमान :—
पे बैंड—3 10300—34800 रुपए जमा 5000 रुपए ग्रेड पे।
(ii) संविदा पर नियुक्त कर्मचारियों के लिए उपलब्धियां :
15300/रुपए, स्तम्भ 15—‘क’ में दिए गए ब्यौरे के अनुसार।
5. चयन पद अथवा अचयन पद : चयन।
6. सीधी भर्ती के लिए आयु : 45 वर्ष व उससे कम :

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमा, तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित, पहले से ही सरकार की सेवा में रत अभ्यर्थियों को लागू नहीं होगी :

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी, जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेश (आदेशों) के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर, निगमों/स्वायत्त निकायों में आमेसन से पूर्व सरकारी कर्मचारी थे सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जाएगी, जैसी सरकारी कर्मचारियों को अनुज्ञेय है किन्तु इस प्रकार की रियायत, पब्लिक सैक्टर, निगमों या स्वायत्त निकायों के ऐसे कर्मचारिवृन्द को नहीं दी जाएगी, जो पश्चात्वर्ती ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उन पब्लिक सैक्टर, निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/किए गए थे।

1. सीधी भर्ती के लिए आयु सीमा की गणना उस वर्ष के प्रथम दिवस से की जाएगी, जिसमें पद (पदों) को आवेदन आमंत्रित करने के लिए, यथास्थिति, विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है।

2. अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किए जाने वाले व्यक्ति (व्यक्तियों) के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं:
(क) अनिवार्य अर्हताएं:—हिमाचल प्रदेश सरकार/केन्द्रीय सरकार द्वारा सम्यक् रूप से मान्यता प्राप्त किसी विश्वविद्यालय या संस्थान से अरबन/सिटी/टाउन/रीजनल प्लानिंग में बी.टैक की उपाधि।

परन्तु उन अभ्यर्थियों को अधिमान दिया जाएगा जो उपरोक्त शैक्षिक अर्हता प्राप्त करने के पश्चात नगर एवं ग्राम योजना विधियों के अधीन गठित किसी प्राधिकरण या नगर एवं ग्राम योजना विभाग में अरबन/सिटी/टाउन/रीजनल प्लानिंग के कार्य में कम से कम तीन वर्ष का अनुभव रखते हों।

(ख) वांछनीय अर्हता:—

हिमाचल प्रदेश की रूढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधे भर्ती किए जाने वाले व्यक्ति (व्यक्तियों) के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्ति (व्यक्तियों) की दशा में लागू होंगी या नहीं : आयु : लागू नहीं ।

शैक्षिक अर्हता : हां, जैसी स्तम्भ संख्या 11 के सामने विहित की गई है।

9. परीक्षा की अवधि, यदि कोई हो : दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।

10. भर्ती की पद्धति :—भर्ती, सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानांतरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद (पदों) की प्रतिशतता : (i) तीस प्रतिशत, निम्नलिखित रूप में—सीधी भर्ती द्वारा, यथास्थिति, नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा ऐसा न होने पर सैकिंडमेंट आधार पर :—

(क) पचास प्रतिशत सीधी भर्ती द्वाराए सम्बद्ध भर्ती अभिकरण के माध्यम सेए यथास्थिति, नियमित आधार पर या संविदा के आधार पर, भर्ती द्वारा।

(ख) पचास प्रतिशत सीधी भर्ती द्वारा, विभागीय स्तर पर बैचवाइज आधार पर यथास्थिति, नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा।

(ii) सत्तर प्रतिशत प्रोन्नति द्वाराए ऐसा न होने पर सैकण्डमेंट के आधार पर भर्ती द्वारा।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणियां, जिनसे प्रोन्नति प्रतिनियुक्ति, स्थानान्तरण किया जाएगा.—(i) अठारह प्रतिशत वरिष्ठ योजना प्रारूपकारों में से प्रोन्नति द्वारा जिनके पास अरबन/सिटी/टाउन/रीजनल प्लानिंग में मान्यता प्राप्त बी.टैक की उपाधि या वास्तुकला या सिविल इंजीनियरिंग में उपाधि हो और जिनका तीन वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवाए यदि कोई हो, सहित तीन वर्ष का नियमित सेवाकाल होए ऐसा न होने पर नीचे वर्णित प्रवर्ग

(ii) में से, दोनों के न होने पर अरबन/सिटी/टाउन/रीजनल प्लानिंग में मान्यता प्राप्त बी. टैक की उपाधि या वास्तुकला या सिविल इंजीनियरिंग में उपाधि रखने वाले तथा हिमाचल प्रदेश सरकार/अन्य राज्यों/केन्द्रीय सरकार के अन्य विभागों में समरूप वेतनमान में कार्यरत इस पद के पदधारियों में से सैकेण्डमेंट आधार पर।

(ii) सत्रह प्रतिशत वरिष्ठ योजना प्रारूपकारों में से प्रोन्नति द्वाराए जिनके पास तीन वर्ष का वास्तुकला असिसटेंटशिप का डिप्लोमा हो या प्रारूपकारिता (ड्रफ्ट्समैनशिप) के ट्रेड में दो वर्ष का सर्टिफिकेट कोर्स हो और जिनका पांच वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवाए यदि कोई हो, को सम्मिलित करके पांच वर्ष का नियमित सेवाकाल हो, ऐसा न होने पर उपरोक्त वर्णित प्रवर्ग (i) में से, दोनों के न होने पर वास्तुकला असिसटेंटशिप में तीन वर्ष का मान्यता प्राप्त डिप्लोमा या प्रारूपकारिता के ट्रेड में दो वर्ष का सर्टिफिकेट कोर्स तथा हिमाचल प्रदेश सरकार/अन्य राज्यों/केन्द्रीय सरकार के अन्य विभागों में समरूप वेतनमान में कार्यरत इस पद के पदधारियों में से सैकेण्डमेंट आधार पर।

(iii) पैंतीस प्रतिशत कनिष्ठ अभियंताओं में से प्रोन्नति द्वारा, जिनके पास सिविल इंजीनियरिंग में मान्यता प्राप्त डिप्लोमा हो और जिनका नौ वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवाए यदि कोई हो, को सम्मिलित करके नौ वर्ष का नियमित सेवाकाल हो, ऐसा न होने पर सिविल इंजीनियरिंग में मान्यता प्राप्त उपाधि रखने वाले तथा हिमाचल प्रदेश सरकार/अन्य राज्यों/केन्द्रीय सरकार के अन्य विभागों में समरूप वेतनमान में कार्यरत इस पद के पदधारियों में से सैकण्डमैन्ट आधार पर।

परन्तु योजना अधिकारी के पद को भरने के लिए निम्नलिखित "पद" आधारित 19 बिन्दु रोस्टर अपनाया जाएगा:—

रोस्टर बिन्दु संख्या	प्रवर्ग
पहला, सातवां, और तेरहवां	वरिष्ठ योजना प्रारूपकार (i)
दूसरा, आठवां और चौदहवां	वरिष्ठ योजना प्रारूपकार (ii)
तीसरा, छठा, नौवां, बारहवां पन्द्रहवां, अठारहवां और उन्नीसवां	कनिष्ठ अभियन्ता
चौथा, दसवां और सोलहवां	भर्ती अभिकरण के माध्यम से सीधी भर्ती द्वारा
पांचवां ग्यारहवां और सत्रहवां	बैचवाइज़ आधार पर सीधी भर्ती द्वारा

टिप्पणः—रोस्टर प्रत्येक उन्नीसवें बिन्दु के बाद तब तक दोहराया जाएगा, जब तक सभी प्रवर्गों को दी गई प्रतिशतता तक प्रतिनिधित्व प्राप्त नहीं कर लिया जाता है। तत्पश्चात् रिक्त को उसी प्रवर्ग से भरा जाएगा, जिसमें से पद रिक्त हुआ है।

1. प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवाए यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक (पोषक) प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु उन सभी मामलों में, जिनमें कोई कनिष्ठ व्यक्ति सम्भरक (पोषक) पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/काडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्तियों से ऊपर रखे जाएंगे :

परन्तु उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी :

परन्तु यह और भी कि जहाँ कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

स्पष्टीकरणः—अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा/समझे जाएंगे यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है, जिसे डिमोबिलाइज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकेन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो तथा इनके अन्तर्गत वरीयता लाभ दिए गए हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ वेकेन्सीज इन दी हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो तथा इनके अन्तर्गत वरीयता लाभ दिए गए हों।

2. इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियुक्ति से पूर्व सम्भरक (पोषक) पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा, उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी संरचना.—विभागीय प्रोन्नति समिति की अध्यक्षता हिमाचल प्रदेश लोक सेवा आयोग के अध्यक्ष या उसके द्वारा नामनिर्दिष्ट आयोग के सदस्य द्वारा की जाएगी।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा: जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—सीधी भर्ती के मामले में, पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम, इत्यादि यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

15—क संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन.—इन नियमों में किसी बात के होते हुए भी पद पर संविदा नियुक्तियों नीचे दिए गए निबन्धनों और शर्तों के अधीन की जाएंगी :—

I. संकल्पना :

(क) इस पॉलिसी के अधीन, हिमाचल प्रदेश नगर एवं ग्राम योजना विभाग में योजना अधिकारी को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा, जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा :

परन्तु संविदा की अवधि में वर्षानुवर्ष आधार पर विस्तारण/नवीकरण के लिए सम्बद्ध विभागाध्यक्ष यह प्रमाण पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण, वर्ष के दौरान सन्तोषजनक रहा है और केवल तभी उसकी संविदा अवधि नवीकृत/विस्तारित की जाएगी।

(ख) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र में आना.—प्रशासनिक सचिव, नगर एवं ग्राम योजना विभाग रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात् अध्यक्ष को सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश लोक सेवा आयोग के समक्ष रखेगा।

(ग) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र से बाहर होना.—प्रशासनिक सचिव, नगर एवं ग्राम योजना विभाग, बैचवाइज़ आधार पर नियुक्तियों की दशा में रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात्, रिक्त पद (पदों) के ब्यौरे, कम से कम दो अग्रणी समाचार पत्रों में विज्ञापित करवाएगा और इन नियमों में यथाविहित पात्रता शर्तों को पूरा करने वाले अभ्यर्थियों से आवेदन आमंत्रित करेगा।

(घ) चयन, इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

II. संविदात्मक उपलब्धियां:—संविदा के आधार पर नियुक्त योजना अधिकारी को 15,300/—रुपए की नियत समेकित संविदात्मक रकम (जो पे बैंड का न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ौतरी की जाती है, तो पश्चात्वर्ती वर्ष (वर्षों) के लिए संविदात्मक उपलब्धियों में 460/—रुपए की रकम (पद के पे बैंड का न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी।

IV. चयन प्रक्रिया : (क) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र में आना.—संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा, या

यदि आवश्यक या समीचीन समझा जाए, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम, आदि सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा अवधारित किया जाएगा।

(ख) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र से बाहर होना.— संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम आदि सम्बद्ध भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

V. संविदात्मक नियुक्तियों के लिए चयन समिति : (क) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र में आना.—जैसी सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश लोक सेवा आयोग द्वारा समय-समय पर गठित की जाए।

(ख) पद (पदों) का हिमाचल प्रदेश लोक सेवा आयोग के कार्यक्षेत्र से बाहर होना.—जैसी सम्बद्ध भर्ती अभिकरण द्वारा समय-समय पर गठित की जाए।

VI. करार.—अभ्यर्थी काएं चयन के पश्चात् इन नियमों से संलग्न उपाबंध—ख के अनुसार करार हस्ताक्षरित करना होगा।

VII. निबन्धन और शर्तें.—(क) संविदा के आधार पर नियुक्त व्यक्ति को 15300/—रुपए की नियत संविदात्मक रकम (जो पे बैंड का न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। संविदा पर नियुक्त व्यक्ति आगे बढ़ाए गए वर्ष/वर्षों के लिए संविदात्मक रकम में 460/—रुपए (पद के पे बैंड का न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वृद्धि का हकदार होगा और अन्य कोई सहबद्ध प्रसुविधाएं, जैसे वरिष्ठ/चयन वेतनमान आदि नहीं दिया जाएगा।

(ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है, तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदा पर नियुक्त व्यक्ति, एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। तथापि संविदा पर नियुक्त कर्मचारी बारह सप्ताह के प्रसूति अवकाश और दस दिन के चिकित्सा अवकाश के लिए भी हकदार होगा/होगी। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए हकदार नहीं होगा/होगी। संविदा पर नियुक्त व्यक्ति को उपरोक्त के सिवाय अन्य किसी प्रकार का कोई अवकाश अनुज्ञात नहीं होगा :

परन्तु अनुपभुक्त आकस्मिक अवकाश और चिकित्सा अवकाश एक कलैण्डर वर्ष तक संचित किया जा सकेगा, और आगामी कलैण्डर वर्ष के लिए अग्रणीत नहीं किया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। संविदा पर नियुक्त व्यक्ति कर्त्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

(ङ) संविदा पर नियुक्त व्यक्ति, जिसने तैनाती के एक स्थान पर तीन वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक समय से गर्भवती महिला अभ्यर्थी प्रसव होने तक, अस्थायी तौर पर अनुपयुक्त बनी रहेगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा।

(छ) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।

(ज) नियमित कर्मचारियों की दशा में यथा लागू सेवा नियमों के उपबन्ध जैसे एफ. आर.-एसआर. छुट्टी नियम, साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे। वे इस स्तम्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगे।

16. आरक्षण.—सेवा में नियुक्ति हेतु हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बावत जारी किए गए आदेशों के अधीन होगी।

17. विभागीय परीक्षा.—सेवा में प्रत्येक सदस्य को समय-समय पर यथासंशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम 1997 में यथाविहित विभागीय परीक्षा उत्तीर्ण करनी होगी।

18. शिथिल करने की शक्ति.—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है वहां वह, कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्ध (उपबन्धों) को किसी वर्ग या व्यक्ति (व्यक्तियों) के प्रवर्ग या पद (पदों) की बाबत शिथिल कर सकेगी।

उपाबन्ध—'ख'

योजना अधिकारी और हिमाचल प्रदेश सरकार के मध्य, प्रशासनिक सचिव, नगर एवं ग्राम योजना विभाग, हिमाचल प्रदेश के माध्यम से, निष्पादित की जाने वाली संविदा/करार का प्ररूप

यह करार श्री/श्रीमति..... पुत्र/पुत्री श्री.....निवासी....., संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके पश्चात् 'प्रथम पक्षकार' कहा गया है), और हिमाचल प्रदेश की राज्यपाल, के मध्य प्रशासनिक सचिव, नगर एवं ग्राम योजना विभाग, हिमाचल प्रदेश, (जिसे इसमें इसके पश्चात् 'द्वितीय पक्षकार' कहा गया है) के माध्यम से आज तारीख..... को किया गया।

'द्वितीय पक्षकार' ने उपरोक्त प्रथम पक्षकार को लगाया है और प्रथम पक्षकार ने योजना अधिकारी के रूप में संविदा के आधार पर निम्नलिखित निबन्धन और शर्तों पर सेवा करने के लिए सहमति दी है:—

1. यह कि प्रथम पक्षकार योजना अधिकारी के रूप में से प्रारम्भ होने और..... को समाप्त होने वाले दिन तक एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा। यह विनिर्दिष्ट रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखिरी कार्य दिवस को अर्थात्दिन को स्वयंमेव ही पर्यवसित (समाप्त) हो जाएगी और सूचना नोटिस आवश्यक नहीं होगा।
2. प्रथम पक्षकार की संविदात्मक रकम 15300/—रुपए प्रतिमास होगी।
3. प्रथम पक्षकार की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी को उस रिक्ति के विरुद्ध नियुक्त/तैनात कर दिया जाता है, जिसके लिए प्रथम पक्षकार को संविदा पर लगाया गया था, तो नियुक्ति पर्यवसित (समाप्त) की जाने के लिए दायी होगी।
4. संविदा पर नियुक्त योजना अधिकारी, एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। तथापि संविदा पर नियुक्त कर्मचारी बारह सप्ताह के

प्रसूति अवकाश और दस दिन के चिकित्सा अवकाश के लिए भी हकदार होगा/होगी। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए हकदार नहीं होगा/होगी। संविदा पर नियुक्त व्यक्ति को उपरोक्त के सिवाय अन्य किसी प्रकार का कोई अवकाश अनुज्ञात नहीं होगा :

परन्तु अनुपभुक्त आकस्मिक अवकाश और चिकित्सा अवकाश एक कलैण्डर वर्ष तक संचित किया जा सकेगा और आगामी कलैण्डर वर्ष के लिए अग्रणीत नहीं किया जाएगा।

5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्त्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। संविदा पर नियुक्त योजना अधिकारी कर्त्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।
6. संविदा पर नियुक्त व्यक्ति जिसने तैनाती के एक स्थान पर तीन वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।
7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक, उन्हें अस्थाई तौर पर अनुपयुक्त बना देगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए।
8. संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्त्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।
9. संविदा पर नियुक्त व्यक्ति(यों) को कर्मचारी सामूहिक बीमा योजना के साथ-साथ ई. पी.एफ./जी. पी. एफ. भी लागू नहीं होगा।

इसके साक्ष्यस्वरूप प्रथम पक्षकार व द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख को अपने- अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में:—

1.
.....

(नाम व पूरा पता)

2.
.....

(नाम व पूरा पता)

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में:—

1.
.....

(नाम व पूरा पता)

2.
.....

(नाम व पूरा पता)

(द्वितीय पक्षकार के हस्ताक्षर)

[Authoritative English Text of this Department Notification No.TCP-(A)3-1/95-Part-I, dated 02-5-2013 as required under Clause (3) of Article 348 of the Constitution of India.]

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF
TOWN & COUNTRY PLANNING**

NOTIFICATION

Shimla-2, the 02nd May, 2013

No. TCP-(A)3-1/95-Part-I.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the H.P. Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Planning Officer, Class-I (Gazetted) in the Department of Town & Country Planning, Himachal Pradesh, as per Annexure-“A” attached to this notification, namely :—

1. Short title and commencement.—(i) These rules may be called the Himachal Pradesh, Town & Country Planning Department, Planning Officer, Class-I (Gazetted), Recruitment and Promotion Rules, 2013.

(ii) These rules shall come into force from the date of publication in the Rajpatra/e Gazette, Government of Himachal Pradesh.

2. Repeal & savings.—(i) The Himachal Pradesh, Town & Country Planning Department, Planning Officer, Class-II(Gazetted) Recruitment and Promotion Rules, 1998 notified vide this Department’s Notification No. TCP-A(3)-1/95 dated 30.5.1998 are hereby repealed.

(ii) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,
Sd/-
Additional Chief Secretary (TCP).

Annexure-“A”

**RECRUITMENT AND PROMOTION RULES FOR THE POST OF PLANNING
OFFICER, CLASS-I, (GAZETTED) IN THE TOWN & COUNTRY PLANNING
DEPARTMENT, HIMACHAL PRADESH.**

- 1. Name of the post.**— Planning Officer
- 2. Number of post(s).**— 19 (Nineteen)
- 3. Classification.**— Class-I (Gazetted).

4. Scale of pay.— (i) Pay-scale for regular incumbents:—

Pay Band-3 ₹ 10300-34800 + ₹.5000/- Grade Pay

(ii) Emoluments for contract employees:—

Rs.15300/-as per details given in Column 15-A.

5. Whether Selection Post or Non- Selection Post .— Selection.**6. Age for direct Recruitment.—** 45 years and below

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such adhoc or contract appointment;

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government;

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitutions of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/ were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

1. Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

2. Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum Educational and other qualifications required for direct recruit(s): (a) ESSENTIAL QUALIFICATION(S).—B.Tech Degree in Urban/City/Town/Regional Planning from a University or Institute duly recognized by H.P.Government/Central Government.

Provided that preference will be given to the candidates possessing atleast three years' experience in Urban/city/Town/Regional Planning's work under any authority constituted under Town & Country Planning Laws or in the Town & Country Planning Department after acquiring the above qualification.

(b) DESIRABLE QUALIFICATION(S).—Knowledge of customs, manners & dialects of Himachal Pradesh & suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s)?: Age : Not applicable

Educational Qualification : Yes as prescribed in Column No.11 below

9. Period of probation, if any.—Two years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled-in by various methods.— (i) 30% by direct recruitment on regular basis or by recruitment on contract basis, as the case may be, as under failing which on secondment basis:—

- (a) 50% by direct recruitment on a regular basis or by recruitment on contract basis as the case may be, through the concerned recruiting agency; and
- (b) 50% by direct recruitment on a regular basis or by recruitment on contract basis as the case may be, on batchwise basis at the Departmental level.
- (ii) 70% by promotion failing which on secondment basis.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/ deputation/ transfer is to be made—(i) 18% by promotion from amongst the Senior Planning Draughtsman possessing a recognized B.Tech.Degree in Urban /City/Town/Regional Planning or Degree in Architectural or Civil Engineering with 03 (Three) years regular service or regular combined with continuous adhoc service, if any, in the grade failing which from the category (ii) mentioned below failing both on secondment basis from amongst the incumbents of this post possessing a recognized B.Tech. Degree in Urban /City/ Town /Regional Planning or Degree in Architectural or Civil Engineering and working in the identical pay scale from other H.P.Government/other States/Central Government Departments.

(ii) 17% by promotion from amongst the Senior Planning Draughtsman possessing a recognized 03 (three) years Diploma in Architectural Assistantship or two years Certificate Course in the trade of Draughtsmanship with 05 (five) years regular service or regular combined with continuous adhoc service, if any, in the grade failing which from the category (i) mentioned above failing both on secondment basis from amongst the incumbents of this post possessing a recognized 03 (three) years Diploma in Architectural Assistantship or 02 (two) years Certificate Course in the trade of Draughtsmanship and working in the identical pay scale from other H.P.Government/other States/Central Government Departments.

(iii) 35% by promotion from amongst the Junior Engineers possessing a recognized Diploma in Civil Engineering with 09 (nine) years regular service or regular combined with continuous adhoc service, if any, in the grade failing which on secondment basis from amongst the incumbents of this post possessing a recognized Diploma in Civil Engineering and working in the identical pay scale from other H.P. Government/other States/Central Government Departments.

Provided that for filling up the post of Planning Officer the following 19 points "post": based roster shall be followed.

Roster Point No.	Category
1st, 7th & 13th	Senior Planning Draughtsman (i)
2nd, 8 th & 14th	Senior Planning Draughtsman (ii)
3rd, 6th, 9th, 12th, 15th, 18 th & 19th	Junior Engineer
4th, 10th & 16th	Direct Recruitment through the recruiting agency
5th, 11th & 17th	Direct Recruitment on batchwise basis.

Note:— The roster will be repeated after every 19th vacancy till the representation to all categories is achieved upto the given percentage. Thereafter, the vacancy is to be filled up from amongst the category which vacates the post.

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R& P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/ her shall also be deemed to be ineligible for consideration for such promotion:

Explanation:—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Service) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment/ promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?—D.P.C. to be presided over by the Chairman, H . P. Public Service Commission or a Member thereof to be nominated by him.

13. Circumstances under which the HP Public Service Commission is to be consulted in making recruitment: As required under the law.

14. Essential requirement for direct recruitment.—A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to the post by direct recruitment.—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or practical test, the standard/ syllabus, etc. of which will be determined by the Commission / other recruiting authority, as the case may be.

15-A Selection for appointment to the post by contract appointment.—Notwithstanding anything contained in these Rules, contract appointments to the post will be made subject to the terms and conditions given below:-

I CONCEPT.—(a) Under this policy the Planning Officer in the Department of Town & Country Planning, HP will be engaged on contract basis initially for one year; which may be extendable on year-to-year basis.

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

(b) POST FALLS WITHIN THE PURVIEW OF HPPSC.—The Administrative Secretary, Town & Country Planning after obtaining the approval of the Government to fill up the vacant post(s) on contract basis will place the requisition with the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission

(c) POST FALLS OUTSIDE THE PURVIEW OF HPPSC.—The Administrative Secretary, Town & Country Planning in case of appointments on batch-wise basis, after obtaining the approval of the Government to fill up the vacant post(s) on contract basis will advertise the details of the vacant posts in atleast two leading newspapers and invite applications from candidates having the prescribed qualifications and fulfilling the other eligibility conditions as prescribed in these Rules.

(d) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

(II) CONTRACTUAL EMOLUMENTS.—The Planning Officer appointed on contract basis will be paid consolidated fixed contractual amount @Rs.15300/-per month.(which shall be equal to minimum of the payband + grade pay). An amount of R 460/-(3% of the minimum of the pay band + grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY AUTHORITY.—The Administrative Secretary Town & Country Planning, Himachal Pradesh will be the appointing and disciplinary authority.

(IV) SELECTION PROCESS: (a) FOR THE POSTS(S) FALLING WITHIN THE PURVIEW OF HPPSC.—Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voice test or if considered necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P. Public service Commission.

(b) FOR THE POSTS(S) FALLING OUT OF THE PURVIEW OF HPPSC.—

Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if considered necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the concerned recruiting authority.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS:

(a) FOR THE POSTS(S) FALLING WITHIN THE PURVIEW OF HPPSC.—As may be constituted by the concerned recruiting agency i.e. Himachal Pradesh Public Service Commission from time to time.

(b) FOR THE POSTS(S) FALLING OUT OF THE PURVIEW OF HPPSC.—As may be constituted by the concerned recruiting authority from time to time.

(VI) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these rules.

(VII) TERMS AND CONDITIONS.—(a) The Contract appointee will be paid fixed contractual amount @ ` 15300/- per month (which shall be equal to minimum of the Pay Band + Grade Pay) The contract appointee will be entitled for increase in contractual amount @ ₹ 460/- (3% of minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as senior/selection scales etc. will be given.

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

(c) Contract Appointee will be entitled for one day's casual leave after putting onemonth service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 days' Medical Leave. He/she shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

(d) Unauthorized absence from the duties without the approval of the Controlling Officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his/her fitness from a Government/ Registered Medical Practitioner. Women candidate, pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer/ Practitioner.

(g) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart at the minimum of the pay scale.

(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this Column.

16. Reservation.—The appointment to the service shall be subject to the orders regarding reservation in the service for ScheduledCaste/ Scheduled Tribes/Other Backwards Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Every member of the service shall pass a Departmental Examination as prescribed in the H.P.Departmental Examination Rules,1997, as amended from time to time.

18. Power to Relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public service Commission relax any of the provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).

Annexure-“B”

Form of contract/agreement to be executed between the Planning Officer & the Government of Himachal Pradesh through Administrative Secretary, H.P. Town & Country Planning.

This agreement is made on this day of in the year..... Between Sh/Smt.....S/o/D/o.....Shri.....R/o.....
.....contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Administrative Secretary,Town & Country Planning, Himachal Pradesh (here-in-after called the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Planning Officer on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as Planning Officer on contract basis for a period of 1 year commencing on day ofand ending on the day of.....It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day *i.e.* on and information notice shall not be necessary.
2. That the contractual amount of the FIRST PARTY will be Rs. 15300/- per month.
3. That the service of FIRST PARTY will be purely on temporary basis. The appointment shall be liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed / posted against the vacancy for which the first party was engaged on contract.
4. That the Contractual Planning Officer will be entitled for one day's casual leave after putting one-month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 days' Medical Leave. He/she shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other kind except above is admissible to the contractual Planning Officer.

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

5. That unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual Planning Officer will not be entitled for contractual amount for the period of absence from duty.
6. That an official appointed on contract basis who have completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
7. That the selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The Women candidate should be re-examined for fitness from an authorized Medical Officer/ practitioner.
8. That the Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part at the minimum of pay scale.
9. That the Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee (s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.

 (Name and Full Address)

(signature of the FIRST PARTY)

2.

 (Name and Full Address)

IN THE PRESENCE OF WITNESS:

1.

 (Name and Full Address)

(signature of the SECOND PARTY)

2.

 (Name and Full Address)

Short title commencement and application.— (i) These Bye –laws may be called, “MC PARWANOO (Control and Regulation) of Muck Dumping Bye –Laws , 2012.”

MUNICIPAL COUNCIL PARWANOO (NAME OF MC PARWANOO (CONTROL AND REGULATION) OF MUCK DUMPING BYE –LAWS, 2012

NOTIFICATION

Dated, the 19th April, 2013

No. 561.— The following Muck dumping bye–laws, 2012 made by the MC PARWANOO in exercise of the power conferred by section 216, 217 and Section 19 read with Clause (Y and zb) of sub section (I) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himchal Pradesh (Extraordinary) for the information of general public and notice is hereby given that the said draft bye–laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpata, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any, objection(s) against these draft rules, he may sent the written objections to the Executive Officer M C PARWANOO, within the aforesaid period.

Objections, if any received within the period as specified above, shall be taken into consideration by the MC PARWANOO before finalizing these bye laws namely:—

“MC PARWANOO (Control and Regulation) of Muck Dumping Bye–Laws, 2012

Prliminary

- Short title, commencement and application
- These Bye Laws be called, Municipal Council, Parwanoo (Control and Regulation) of Muck Dumping Bye Laws, 2012.”
- These Bye–laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- These Bye–laws shall be applicable within the jurisdiction; of MC PARWANOO as defined from time to time.
- Definitions:—
- In these Bye –laws unless the context otherwise requires:—
- “Act”-means the Himachal Pradesh Municipal Act, 1994 (Act o. 13 ofl 994) as amended from time to time.
- “Applicant”:— means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC PARWANOO.
- “Authorized Officer”:-means any Officer/Official duly authorized by the MC PARWANOO under these Bye –laws.
- ”Muck”:— includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.PARWANOO.
- “Place”:— means authorized site specified by the MC PARWANOO for dumping of Muck.
- “Judicial Magistrate First Class”:- means the judicial Magistrate having jurisdiction over the area of MC PARWANOO under the Act.

- Words and expressions used in these Bye-Laws but not defined herein shall have the meaning respectfully assigned to them under the Act.
- Prohibition on Muck Dumping:-
- No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place than the place specified by the MC PARWANOO for dumping of Muck within their area.
- Any person found dumping the Muck illegally, unauthorizedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission:—

- applicant or the person concerned intended to commence the construction within the area of the MC PARWANOO shall in writing submit detailed estimate of Muck to be generated from the plot /Construction site to the MC PARWANOO on the prescribed Performa annexed with these Bye-Laws as appendix-I at the time of submission of their building map/Plan for sanction . The building plan without such estimate shall not be considered for sanction.
- The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favor of the applicant.
- The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC PARWANOO on this account.
- The place for dumping of muck shall be communicated to the applicant by the MC PARWANOO authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC PARWANOO for managing the dumping site.
- During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the MC PARWANOO at the time of inspection.
- There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9.00 A. M. to 5.00 P.M. However, in the case of exigencies, the MC PARWANOO may in writing relax such restrictions.
- No one shall be permitted to carry the digging excavation of plot or land after sun set and before sun rise but the MC PARWANOO in the larger public interest or in the case of emergent situation may relax such imposition /restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of 2 x2 indicating there in the number and date of the sanction , commencement of construction and hours during which construction can be carried out, time when excavation can be done. Name of dumping site allotted to the applicant for the purpose of dumping muck, nature of

sanction , the area of construction sanctioned on each floor and the telephone number of the office/ control room set up by the MC PARWANOO for entertainment of complaints et.

- The MC PARWANOO shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the details as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck-The following rates shall be applicable for dumping of Muck in the specified places.

- | | |
|---------------------------|-----------------------------|
| • pickup | Rs. 100/- per pickup |
| • Tipper light duty | Rs. 300/- per tipper |
| • Tipper Heavy duty/truck | Rs. 500 /- per tipper/truck |
| • MULE Transport | Rs. 10/- per Mule |
| • Manual | Rs. 05/- per Trip |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC PARWANOO .

6. Duties and responsibilities of person concerned:—

- it shall be the duty and responsibility of owner to make available all the sanctions/ permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the MC PARWANOO .
- Whosoever is found dumping Muck other than the place specified by the MC PARWANOO, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye Laws.
- At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of Vehicle.—

- the authorized officer or the police establishment of the MC PARWANOO in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.
- The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.
- The Official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/ official and keep the same in custody at the place designated by the MC PARWANOO till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the MC PARWANOO in cash or through demand draft.

8. Compounding of Offences.—

All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the MC PARWANOO or Executive Officer, in this behalf, on payment of such sum as may be specified by such officer under these Bye Laws.

9. Offences to be tried summarily:—

The offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate first Class of the concerned Municipal area under section 260 of the code of criminal Procedure.

10. Penalty:—

- whosoever, is guilty of dumping Muck other than the place specified/notified by the MC PARWANOO, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC PARWANOO in respect of the class and make of vehicle as defined in Clause 5 of these Bye-Laws.
- In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/ excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/Official may request the competent authority for withdrawal of recognition and registration if any granted in their favor including withdrawal of building sanction granted in favor of the owner concerned.

By order,
Sd/-
Executive Officer,
Municipal Council Parwanoo.

MUNICIPAL COUNCIL SHRI NAINA DEVI JI

NOTIFICATION

Dated, the 04 th May, 2013

No. 9 MCND-2(409)/2013.—The following Muck dumping by-laws, 2013 made by the Municipal Council Shri Naina Devi Ji in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and zb) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time has been finalized by Municipal Council Shri Naina Devi Ji in its meeting held on 01.04.2013 vide resolution No. 182 after consideration of objections and suggestions invited from the general public and are published in Rajpatra, Himachal Pradesh (extraordinary) for the information of general public.

MUNICIPAL COUNCIL SHRI NAINA DEVI JI (REGULATION AND CONTROL OF MUCK DUMPING) BYE-LAWS, 2013

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called, “Municipal Council Shri Naina Devi Ji (Regulation and Control of Muck Dumping) Bye-laws, 2013”.

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Council Shri Naina Devi Ji as defined from time to time. It shall come into force from the date of its publication in the Rajpatra, Himachal Pradesh.

2. Definitions.— (i) In these Bye-laws, unless the context otherwise requires:—

- (a) “Act”-means the Himachal Pradesh Municipal Act, 1994(Act No.13 of 1994) as amended from time to time.
- (b) “Applicant”- means any person applying for permission for dumping of muck in the authorized dumping places as specified by the Council.
- (c) “Authorized Officer” means any Officer/official duly authorized by the Council or its Executive Officer under these Bye-laws.
- (d) “Muck” includes earth or stone, material of any description or rubbish or polluted or obnoxious matter or debris including building construction waste.
- (e) “Place” means authorized site specified by the Council for dumping of muck.
- (f) “Special Judicial Magistrate First Class” means the Judicial Magistrate having jurisdiction over the area of Municipal Council Shri Naina Devi Ji under the Act.
- (g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on muck dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck in any place other than the place specified by the Municipal Council for dumping of muck within the area of the Municipal Council.

(ii) any person found dumping muck illegally, unauthorizedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.—(i) Applicant or the person concerned, intending to commence construction within the area of Council, shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the Council on the prescribed proforma annexed with these bye-laws as “**Annexure-I**” at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Council authorities by moving an application mentioning therein-full particulars of the applicant, location of the building and estimate/quantity of muck to be generated.

(ii) the estimate submitted by the applicant shall be verified by the technical authority of the Council after spot inspection and thereafter raise the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the council on this account.

(iv) the place for dumping of muck shall be communicated to the applicant by the Council authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to Municipal Council or to the concerned agency of the contractor hired or engaged by the council for managing the dumping site.

(v) during transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized officer of the council at the time of inspection. However, in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/ authorized officer at the time of inspection.

(vi) there shall be a restriction on movement of the vehicles carrying muck after the sunset and before the sun rise. The normal timing for dumping muck in the dumping site shall be between 9.00AM to 5.00PM However, in case of exigencies and in view of traffic regulations in the town in the area the council may in writing relax such timings.

(vii) no one shall be permitted to carry the digging and excavation of plot or land after sunset and before sun rise but the council, in the larger public interest or in the case of emergent circumstances may relax such imposition/restrictions, on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) the person, after obtaining the sanction of building map from the competent authority or before raising the construction at site, is required to install a painted board of the size of 3' x2' indication therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out. Time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the council for entertainment of complaints etc.

(ix) The Council shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of muck.—The following rates shall be applicable for dumping of muck in the specified places.

i. Per cement bag manually	₹5/- per bag
ii. By mules – Per mule	₹10/- per bag
iii. Pickup	₹100/- per pickup
iv. Tractor Trolley	₹250/- per Trolley
v. Tipper light duty	₹300/- per Tipper
vi. Tipper Heavy duty/ Truck	₹500/- per Tipper/ Truck

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the council.

6. Duties and responsibilities of the applicant/owner.—(i) It shall be the duty and responsibility of the owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place specified by the Council.

(ii) whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the council, the owner and the person caught dumping the muck shall be liable jointly for penalty under these bye-laws.

(iii) at the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the council either on the information received by himself or through any other source immediately on receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) the vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these bye laws.

(iii) the official impounding the vehicle shall immediately report to the effect in writing to the Executive Officer Municipal Council and keep the same in custody at the place designated by the Council till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of `1000/- per day payable by registered owner to the Council in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the Council in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.— The offences which are not compounded shall be tried in a summary manner by the First class Judicial Magistrate having jurisdiction over the area under section 260 of the Code of Criminal Procedure, 1973.

10. Penalty.—(i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Council, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by Council as per Clause 5 of these Bye-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be liable for disconnection of water, electricity and other civic amenities and the Executive Officer may request the competent authority for withdrawal of recognition and registration if any granted in his/ her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,

Sd/-

Executive Officer

Municipal Council, Shri Naina Devi Ji.

Annexure-I

(See Bye-law 4(i))

Performa for estimation of Muck generation

1. Name of the applicant of the Plot/land/project

2. Area and Kh. No. of the Plot/land/project
3. Location of the Plot/land/project including Municipal ward.
4. Whether owner or builder or otherwise please specify.
5. Estimated quantity of muck to be generated (quantity Must be specified in cubic meters) alongwith estimate Duly signed by the authorized person.

Signature
(Name & address of the applicant)

Date:

Place:

NAGAR PANCHAYAT CHOPAL DISTT SHIMLA (HP) (CONTROL AND REGULATION OF) OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Dated: the 29th April, 2013

NO.NP/CPL(Bye-Laws)178-80.—The following Muck dumping bye-laws, 2013 made by the Nagar Panchayat Chopal in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and z b) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the NP Chopal after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws had any, objection (s) against these draft rules, he may sent the written objections to the Secretary of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the NP Chopal before finalizing these bye-laws namely:—

NP CHOPAL(CONTROL AND REGULATION OF MUCK DUMPING) BYE-LAWS, 2013.

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called, “Nagar Panchayat Chopal (Control and Regulation of Muck Dumping) Bye-laws, 2013.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Nagar Panchayat Chopal as defined from time to time.

2. Definitions.— (i) In these Bye-laws, unless the context otherwise requires:—

(a) “Act”—means the Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994) as amended from time to time.

- (b) “Applicant”- means any person applying for permission for dumping of muck in the authorized dumping places as specified by the Nagar Panchayat Chopal.
- (c) “Authorized Officer”-means any Officer/official duly authorized by the Nagar Panchayat or its Secretary under these Bye-laws.
- (d) “Muck”- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or debris including building, construction waste.
- (e) “Place”- means authorized site specified by the Nagar Panchayat Chopal for dumping of muck.
- (f) “Special Judicial Magistrate First Class”-means the Judicial Magistrate having jurisdiction over the area of Nagar Panchayat Chopal under the Act.
- (g) words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on muck dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck in any place other than the place specified by the Nagar Panchayat for dumping of muck within the area of identified by the Nagar Panchayat.

(ii) any person found dumping muck illegally, unauthorised and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.—(i) Applicant or the person concerned, intending to commence construction within the area of the Nagar Panchayat, shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the Nagar Panchayat on the prescribed Performa annexed with these bye-laws as Appendix-I at the time of submission of his/her building map/plan for sanction. However, in the case of repair of building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the Nagar Panchayat authorities by moving an application mentioning therein full particulars of the applicant, location of the building and the estimate/quantity of muck to be generated.

(ii) the estimate submitted by the applicant shall be verified by the Architect Planner of the Nagar Panchayat after spot inspection and thereafter shall be sent to the Junior Engineer Nagar Panchayat for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the account of Nagar Panchayat.

(iv) the place for dumping of muck shall be communicated to the applicant by the Nagar Panchayat authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the Junior Engineer of the Nagar Panchayat or to the concerned agency or the contractor hired or engaged by the Nagar Panchayat for managing of the dumping site.

(v) during transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized officer/official of the Nagar Panchayat at the time of inspection. However,

in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.

(vi) there shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timings for dumping muck in the dumping site will be between 9:00 am to 5:00 pm However, in case of exigencies and in view of traffic regulations in the area the Nagar Panchayat may in writing relax such timings.

(vii) no one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Nagar Panchayat, in the larger public interest or in the case of emergent circumstances may relax such imposition/restrictions, on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) the person, after obtaining the sanction of building map from the competent authority or before raising the construction at site, is required to install a painted board of the size of 3' x 2' indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Control Room set up by the Nagar Panchayat for entertainment of complaints etc.

(ix) the Junior Engineer of Nagar Panchayat shall prescribe the condition relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of muck.—The following rates shall be applicable for dumping of muck in the specified places.

(i) Per cement bag	₹ 5/- per bag
(ii) Pickup	₹ 200/- per Pickup
(iii) Tipper light duty	₹ 400/- per Tipper
(iv) Tipper Heavy duty/Truck	₹ 800/- per Tipper/Truck.

an increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Nagar Panchayat.

6. Duties and responsibilities of the applicant/owner.—(i) It shall be the duty and responsibility of the owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place(s) specified by the Nagar Panchayat.

(ii) whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Nagar Panchayat Chopal, the owner and the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws.

(iii) at the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the Nagar Panchayat either on the information received by himself or through any other source immediately on receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) the vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these Bye-laws.

(iii) the official impounding the vehicle shall immediately report to this effect in writing either to the Secretary Nagar Panchayat keep the same in custody at the place designated by the Nagar Panchayat till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of ` 800/- per day payable by registered owner to the Nagar Panchayat in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the Nagar Panchayat or its Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the Chopal under section 383 of the Himachal Pradesh Municipal Act, 1994 read with Section 260 of the Code of Criminal Procedure, 1973.

10. Penalty.—(i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Nagar Panchayat, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Nagar Panchayat as per Clause 5 of these Bye-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the Secretary may request the competent authority for withdrawal of recognition and registration if any granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Chopal,
Distt. Shimla H.P.

Appendix-I

(See Bye-law 4(i))

Performa for Estimation of Muck generation

1. Name of the builder/ owner/ incharge of the plot/ land/ project etc:—

2. Area and Kh. No. of the plot/land/project:—
3. Location of the plot/land/project including Ward No:—
4. Whether owner or builder or otherwise please specify:—
5. Estimated quantity of muck to be generated. (quantity must be specified in cubic metres) along with estimate duly signed by the authorized person:—

Place: _____

Date: _____

*Signature**(Name and address of the applicant)***विधि विभाग****अधिसूचना**

शिमला-2, 4 मई, 2013

संख्या एल0एल0आर0-ई(9)-6/2012-लेज.-क्योंकि श्री संजीव कुमार गुलेरिया, अधिवक्ता को इस विभाग की अधिसूना संख्या: एल0 एल0 आर0-ई (9)-4/2010-लेज तारीख 09-12-2011 द्वारा उप-मण्डल हमीरपुर, जिला हमीरपुर के लिए नोटरी पब्लिक के रूप में नियुक्त किया गया था और उनका नाम नोटरी के रजिस्टर में क्रम संख्या 374 पर प्रविष्ट किया गया था;

और क्योंकि श्री संजीव कुमार गुलेरिया, नोटरी पब्लिक हमीरपुर ने पत्र दिनांक 20-04-2013 द्वारा सूचित किया है कि वह नोटरी पब्लिक के रूप में कार्य करने के इच्छुक नहीं है और इस संदर्भ में अपने प्रमाण-पत्र को वापिस करने का अनुरोध किया है।

अतः हिमाचल प्रदेश के राज्यपाल, नोटरी अधिनियम, 1952 की धारा 10(क) के साथ पठित नोटरी नियम, 1956 के नियम 13 (13) द्वारा पदवत्त शक्तियों का प्रयोग करते हुए श्री संजीव कुमार गुलेरिया, नोटरी पब्लिक, उप-मण्डल हमीरपुर, जिला हमीरपुर का नाम नोटरी के रजिस्टर से तुरन्त हटाए जाने का आदेश देते हैं।

आदेश द्वारा,
चिराग भानू सिंह,
सचिव (विधि)।

(Authoritative English text of this Department Notification No. LLR-E(9)6/2012-Leg. Dated 04-05-2013 as required under Article 348(3) of the Constitution of India).

LAW DEPARTMENT**NOTIFICATION***Shimla-2, the 4th May, 2013*

No. LLR-E(9)-6/2012-Leg.—WHEREAS Shri Sanjeev Kumar Guleria, Advocate was appointed as Public Notary vide Government Notification No. LLR-E(9)-4/2010-Leg. dated 09-12-2011 and authorised to practice as such within the territorial limits of Sub-Division

Hamirpur of District Hamirpur and his name was entered at serial No. 374 in the Register of Notaries ;

AND WHEREAS Shri Sanjeev Kumar Guleria, Advocate Hamirpur *vide* letter dated 20-04-2013 has intimated that he is not interested to continue to practice as Public Notary and has requested to withdraw his certificate of practice.

NOW, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 10(a) of the Notaries Act, 1952 read with rule 13(13) of the Notaries Rules, 1956 is please to order the removal of the name of Shri Sanjeev Kumar Guleria, Notary Public of Sub-Division Hamirpur of District Hamirpur from the Register of Notaries with immediate effect.

By order,
CHIRAG BHANU SINGH,
LR-cum- Secretary (Law) .